

JEFFREY D. POLSKY (State Bar No. 120975)
MATTHEW P. VANDALL (State Bar No. 196962)
KAUFF McCLAIN & McGUIRE LLP
One Post Street
Suite 2600
San Francisco, California 94104
Telephone: (415) 421-3111
Facsimile: (415) 421-0938

Attorneys for Defendant
CAPEL, INC.

WILLIAM H. PAYNTER (State Bar No. 98882)
LAW OFFICES OF WILLIAM H. PAYNTER
809 Broadway, Suite 6
Sonoma, California 95476
Telephone: (707) 996-5605
Facsimile: (707) 996-4629

Attorneys for Plaintiff
LUANNE S. JORDAN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

LUANNE S. JORDAN,

Plaintiff,

v.

CAPEL, INCORPORATED, and Does 1
through 60, inclusive,

Defendants.

CASE NO. C054939 SI

**STIPULATION AND [PROPOSED]
ORDER TO FILE UNDER SEAL**

COMPLAINT FILED:
October 31, 2005

The parties, through their respective counsel, seek to file with the Clerk of the Court certain specified documents under seal under and pursuant to the Stipulation and Protective Order filed by the Court on April 10, 2006. Accordingly, the parties stipulate that:

1. October 31, 2005, plaintiff Luanne S. Jordan (“Jordan” or “plaintiff”) filed

1 a civil action in the Superior Court, City and County of San Francisco, against defendant Capel, Inc.
2 (“Capel” or “defendant”). Defendant removed the action to this Court pursuant to 28 U.S.C. §
3 1441(b).

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5 2. Plaintiff alleges, inter alia, breach of contract, fraud, unfair business practices,
6 violations of the California Labor Code, and bad faith. Defendant denies all such allegations.

7 3. Plaintiff has electronically filed a letter motion with the Court on August 23,
8 2006.

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10 4. The four exhibits to that letter motion were so voluminous that they were not
11 filed electronically but delivered directly to the Judges Chambers in hard copy.

12 5. Exhibits 1, 2 and 3 are identified by Defendant’s Bates Stamped numbers
13 D1216 to D1410 for Exhibit 1, D1411 to 1558 for Exhibit 2, and D1583 to D1715 for Exhibit 3.

14 6. Exhibit 1 entitled “Customer Listing”, Exhibit 2 entitled “Customer/Item
15 Statistics May 25, 2006”, and Exhibit 3 entitled “Top 100 Customer Sales Report” were all attached
16 to Plaintiff’s letter motion of August 23, 2006 and have been marked “Confidential” by the
17 Defendant pursuant to the Amended Stipulation and Protective Order filed by the Court on April 10,
18 2006.

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20 7. That pursuant to that Amended Stipulation and Protective Order the Exhibits 1,
21 2 and 3 indicated above shall be filed under seal.

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23 8. This Stipulation is subject to change only through written agreement of the
24 parties or pursuant to a motion for modification.

25 DATED: August 28, 2006

KAUFF McCLAIN & McGUIRE LLP

26
27 By: _____/S/
28 JEFFREY D. POLSKY
MATTHEW P. VANDALL
Attorneys for Defendant, CAPEL, INC.

1 DATED: August 28, 2006

LAW OFFICES OF WILLIAM H. PAYNTER

2
3 By:

4 /S/

5 WILLIAM H. PAYNTER
6 Attorneys for Defendant
7 CAPEL, INC.

8 IT IS SO ORDERED.

9
10 *Susan Ilston*

11 DATED: _____

12 SUSAN ILSTON
13 Judge, U.S. District Court
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